

Membership Balance Plan
Missouri River (South Dakota) Task Force

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to section 905(a) of the Missouri River Restoration Act of 2000 (“the Missouri River Restoration Act”) (Title IX of Public Law 106-541, the Water Resources Development Act of 2000) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Missouri River (South Dakota) Task Force (“the Task Force”).
2. Mission/Function: The Task Force shall provide independent advice and recommendations to the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891). Specifically, the Task Force shall:
 - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under the Missouri River Restoration Act, to promote
 - a. conservation practices in the Missouri River watershed;
 - b. the general control and removal of sediment from the Missouri River;
 - c. the protection of recreation on the Missouri River from sedimentation;
 - d. the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
 - e. erosion control along the Missouri River; or
 - f. any combination of the activities just described;
 - b. Review projects to meet the goals of the plan and recommend, to the Secretary of the Army, critical restoration projects for implementation; and
 - c. Determine whether these critical restoration projects primarily benefit the Federal Government for purposes of cost-sharing.

The Task Force may, on an annual basis, revise the plan and shall provide the public with the opportunity to review and comment on any proposed revision.

3. Points of View: As prescribed by section 905(b) of the Missouri River Act, the Task Force shall be composed of 29 members. Specifically, the Task Force membership shall be composed of:
 - a. The Secretary of the Army or designee, who shall serve as the Chair;
 - b. The Secretary of Agriculture or designee;
 - c. The Secretary of Energy or designee;
 - d. The Secretary of the Interior or designee; and

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- e. The Missouri River Trust (“the Trust”), which is composed of 25 members to be appointed by the Secretary of the Army, including:
 - i. Fifteen members recommended by the Governor of South Dakota that represent, equally, the various interests of the public and include representatives of
 1. the South Dakota Department of Environment and Natural Resources;
 2. the South Dakota Department of Game, Fish, and Parks;
 3. environmental groups;
 4. the hydroelectric power industry;
 5. local governments;
 6. recreation user groups;
 7. agricultural groups; and
 8. other appropriate interests;
 - ii. Nine members, one of each of whom shall be recommended by each of the nine Indian tribes in the State of South Dakota; and
 - iii. One member recommended by the organization known as the “Three Affiliated Tribes of North Dakota” (composed of the Mandan, Hidatsa, and Arikara tribes).

The members of the Trust shall be appointed by the Secretary of the Army to serve as representative members to the Task Force pursuant to 41 C.F.R. § 102-3.130(a). Those individuals who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a).

- 4. Other Balance Factors: N/A
- 5. Candidate Identification Process: Individuals recommended for the Trust, in accordance with the Missouri River Restoration Act, as described in section three above, shall be appointed by the Secretary of the Army, in consultation with the Secretary of Defense or the Deputy Secretary of Defense, to the Task Force.

Prior to the formal nomination, the list of potential nominees undergoes a review by the Office of General Counsel of the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with the Missouri River Restoration Act, as well as Federal and DoD governance requirements, including compliance with the Task Force’s charter and membership balance plan. All members of the Trust shall be appointed for a two-year term of service, with annual renewals, and may serve no more than two consecutive terms of service on the Task Force, unless authorized by the Secretary of Defense upon the request of the Secretary of the Army.

- 6. Subcommittee Balance: The Department, when necessary, and consistent with the Task Force’s mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Task Force.

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The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of subcommittee members for a two-year term of service with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. These individuals may come from the Task Force or may be new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration.

Subcommittee members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee members. Those individuals who are full-time or permanent part-time Federal employees will be appointed, pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. With the exception of reimbursement for official Task Force-related travel and per diem, subcommittee members shall serve without compensation.

7. Other: As nominees are considered for appointment to the Task Force, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: February 22, 2015